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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,766

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Larry B. Pearson

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60533

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11/28/2008

TOLER LAW GROUP
8500 BLUFFSTONE COVE
SUITE A201
AUSTIN, TX 78759

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

11/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/705,766	Applicant(s) PEARSON, LARRY B.	
	Examiner RASHA S. AL AUBAIDI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 08/07/2008. No claims have been added. No claims have been canceled. Claims 1, 7 and 11 have been amended. Claims 1-25 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPierre et al. (US PAT # 6,738,466) in view of Nguyen et al. (PGPUB US 2006/0104434) and further in view of Latter et al. (US PAT # 6,332,021).

Regarding claim 1, LaPierre teaches a method of providing a distinctive call tone based on a redirecting number (see col. 2, lines 38-42), the method comprising: receiving a call from an originating device (reads on telephone station 110, Fig. 2, see col. 4, lines 30-31) at a redirecting device (reads on telephone station 112, see col. 4, lines 36-39); forwarding the call from the redirecting device to a destination device, the forwarded call having an associated data message that includes a calling number of the origination device, a called number of the destination device, and a redirecting number

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of the redirecting device; and applying a distinctive types of call tones to the destination device based upon the redirecting number.

LaPierre features are all addressed in the above rejection. LaPierre does not specifically teach applying a distinctive ring/tone to a call waiting. However, LaPierre discloses applying a distinctive ring to a call forwarding feature (i.e., when a call is redirected and forwarded). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a distinctive ring to “call waiting” feature, which is equivalent to applying a distinctive ring to a “call forwarding feature”. The advantage of having a distinctive ring to either one or both of these features is to identify specific caller or specific number with that ring.

Also, LaPierre does not specifically teaches, “applying one of a plurality of a distinctive types”.

However, Nguyen teaches in a system and method for caller control of a ring that a plurality of distinctive rings can be applied and corresponded to a plurality of a directory numbers [see paragraph 0004].

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of applying and assigning one distinctive call ring from a plurality of distinctive types, as taught by Nguyen, into the

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LaPierre system in order to provide convince by identifying the one unique distinctive ring that is associated with certain redirecting number.

Even though, Nguyen teaches the use of a switching control point, however, neither Nguyen nor LaPierre alone or in combination teach that applying plurality of distinctive type of call waiting will be done by or at the switching control point as recited in claim 1.

Yet, Latter, teaches in an improved system and apparatus, an SCP 240 sets different rings mode based on pre stored values and criteria's. When a call arrives and the criteria's matched the SCP apply the distinctive ring (DR) to that call, see col. 7, lines 24-32 and col. 9, lines 32-42.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to incorporate the feature of applying distinctive ring at the control switching point, as taught by Latter, into the combination of LaPierre and Nguyen in order to provide easier call control by storing plurality of distinctive rings in a database that can be applied to each call based on predetermined criteria. Having one database or the switch control point applying the distinctive ring is more efficient.

Claims 2 and 11-12 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 3, 8, 9 and 13 “the redirecting number is compared to a set of authorized numbers in a distinctive call waiting tone activation list and wherein the distinctive type of call waiting tone is applied when the redirecting number is found within the set of authorized numbers”, see LaPierre col. 4, lines 4-24.

Regarding claims 4, 10, 14 and 21 recite “the associated data message compatible with an SS7 compatible network” (see LaPierre col. 3, lines 17-20).

Regarding claims 5-6 and 15-16, LaPierre system was implemented in an Advanced Intelligent Network (AIN). LaPierre does not specifically teach the method is implemented in VOIP or a PBX system. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the method implemented in any system desired system. This is a design choice relies on the need and the desire of Applicant. See LaPierre (col. 5, lines 63-67 and col. 6, lines 1-9).

For claim 7 limitations, see LaPierre col. 4, lines 49- 63.

Claim 17 is rejected for the same reasons as discussed above with respect to claim 1. For the claimed intelligent network system, see LaPierre col. 1, lines 6-10, col. 2, lines 38-67, col. 3, and col. 4 and Fig. 1.

Claims 19 and 24 recite “the service switching point applies a distinctive call waiting tone to the destination subscriber communication device in response to evaluating the contents of the field to identify activation of the distinctive call waiting feature”. See LaPierre col. 4, lines 64-67.

Claims 20 and 25 recite “the service switching point receives a call prior to sending the request message to the switching control point”. See col. LaPierre 4, lines 40-42.

Claims 18, 22-23 are rejected for the same reasons as discussed above with respect to claim 1. The claimed “logic module” reads on the service package application (SPA), see col. 4, lines 49-57.

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S. AL-Aubaidi/

Primary Examiner, Art Unit 2614